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Elections to fill vacancies in subsidiary organs and other elections: election of fourteen members of the Human Rights Council

Note verbale dated 1 December 2006 from the Permanent Mission of India to the United Nations addressed to the Secretariat

The Permanent Mission of India to the United Nations presents its compliments to the Secretariat of the United Nations and has the honour to state that on the expiry of its one-year term, India has decided to present its candidature for re-election to the Human Rights Council for a three-year term, at elections to be held in New York in 2007. This information was conveyed to the Secretariat on 6 October 2006. In this connection, the Permanent Mission of India further has the honour to enclose a copy of the voluntary pledges and commitments by India for the information of the Secretariat (see annex).

07-22470 (E) 060207

Annex to the note verbale dated 1 December 2006 from the Permanent Mission of India to the United Nations addressed to the Secretariat

Voluntary pledges and commitments by India

India is seeking re-election to the Human Rights Council at the elections to be held at the UN General Assembly in New York in May 2007.

India has a long tradition of promoting and protecting human rights. It was privileged to be in the forefront of the struggle against apartheid since even before India's independence. India's commitment to promoting and protecting human rights flows from the realization that in a truly pluralistic society, the growth and well being of citizens can only be guaranteed through a culture of protection and promotion of human rights.

The Indian Constitution enshrines India's commitment to human rights by guaranteeing to its citizens fundamental political and civil rights. Special provisions for the progressive realization and enforcement of economic, social and cultural rights have also been provided for constitutionally. India has taken an important initiative for the empowerment of women by reserving one-third of all seats for women in urban and local self-government, thus bringing over one million women at the grassroots level into political decision making. With the launch of the National Rural Employment Guarantee programme on February 1, 2006, the right to work has been operationalized in India. The Protection of Women from Domestic Violence Act enacted by the Indian Parliament in 2005 provides immediate and emergency relief to women in situations of domestic violence. Reflective of India's commitment to eliminate child labour, a ban on employment of children under-14 years as domestic help or at eateries came into force in India with effect from 10 October 2006.

The independent and impartial Indian judiciary has delivered far-reaching pronouncements on the protection and promotion of human rights. Far-reaching measures taken by the Supreme Court of India include Public Interest Litigation, by which the Supreme Court can be moved by any individual or group of persons highlighting the question of public importance for invoking this jurisdiction. The Supreme Court of India has recognized the justiciability of some economic and social rights as an extension of the Right to Life. The National Human Rights Commission, a powerful and independent body, monitors human rights developments in India and shares its experience and expertise with its counterparts in other countries. The free and independent media in India plays a crucial role in promoting respect for and monitoring of human rights. Civil society in India is among the most vibrant anywhere the world.

India is a committed supporter of the UN human rights system and the promotion and protection of human rights is ingrained in its domestic and foreign policy. It has been active in deliberations on human rights in international fora and in the development of widely accepted international norms. India is a large, democratic, multi-ethnic, multi-religious, multi-lingual, and multi-cultural society, whose continued presence on the Human Rights Council would bring a perspective of straddling all divides of pluralism, moderation and balance from a country that has consistently demonstrated in practice its commitment to human rights and

fundamental freedoms. Against this backdrop, India voluntary makes the following pledges and commitments:

- India will abide by its national mechanisms and procedures to promote and protect the human rights and fundamental freedoms of all its citizens.
- India will maintain the independence, autonomy as well as genuine powers of investigation of national human rights bodies, including the National Human Rights Commission, National Commission for Women, National Commission for Minorities, National Commission for Scheduled Castes and Scheduled Tribes, and National Commission for Backward Classes, as mandated by Indian constitution and laws.
- India will foster a culture of transparency, openness and accountability in the functioning of the Government, as enacted in the Right to Information Act.
- India will continue to encourage efforts by civil society seeking to protect and promote human rights.
- India will continue to work towards the progressive realization of the right to work.
- India will expand the implementation of its Rural Employment Guarantee Programme, which provides for 100 days of assured employment annually to every rural household in the country.
- India will continue to promote the social, economic and political empowerment of women in India by affirmative actions, gender mainstreaming in national planning, gender budgeting and formation of women self-help groups. India will work towards elimination of discrimination and violence against women through legislative measures as well as effective implementation of existing policies.
- A National Commission for the Protection of Child's Rights would be set up for the speedy trial of offences against children or of violation of child's rights.
- India will work to make the Human Rights Council a strong, effective and efficient body capable of promoting and protecting human rights and fundamental freedoms for all.
- India will engage constructively in the evolution of modalities and mandates of the Human Rights Council, and in the reform of the UN human rights machinery.
- India will participate actively in the work of the Human Rights Council in norm-setting in the field of human rights.
- India will participate constructively in developing modalities for universal periodic review by the Human Rights Council and in reviewing and strengthening the system of Special Procedures and other expert mechanisms of the Council.
- India will continue to support the Office of the UN High Commissioner of Human Rights, including through regular voluntary contributions.

- India will strive for the full realisation of civil, political, economic, social and cultural rights, including the right to development.
- India will continue to support UN bodies such as UNICEF, UNIFEM, UNFPA, UN Democracy Fund, etc., that have a role in contributing to the protection and promotion of human rights.
- India will work with UN Member States and relevant UN bodies for reform of the UN treaty-body system.
- India will work for the world-wide promotion and protection of human rights, based on the principles of cooperation and genuine dialogue.
- India will cooperate with States, upon request, in their implementation of human rights obligations through capacity building by way of technical cooperation, human rights dialogues and exchange of experts.
- India will continue to actively support domestic and international processes that seek to advance empowerment of women and women's rights and gender equality.
- India will continue to actively support domestic and international processes that advance the rights of the child.
- India will work for the implementation of the Beijing Declaration and Platform of Action, the Copenhagen Declaration and Plan of Action, and the outcomes of other major UN international conferences.
- India will continue to support efforts directed at the adoption of a Declaration on the Rights of Indigenous Peoples.
- India will support the adoption of the Convention on the Rights of Persons with Disabilities during the 61st Session of the UN General Assembly.

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Elections to fill vacancies in subsidiary organs and other elections: election of fourteen members of the Human Rights Council

Note verbale dated 23 January 2007 from the Permanent Mission of Slovenia to the United Nations addressed to the Secretary-General

The Permanent Mission of the Republic of Slovenia to the United Nations presents its compliments to the Secretary-General and has the honour to announce the candidature of the Republic of Slovenia to the Human Rights Council in the elections to be held in May 2007, during the sixty-first session of the General Assembly.

The Republic of Slovenia is strongly committed to the protection and promotion of human rights worldwide and strives continuously, constructively and progressively for the universality and full implementation of all human rights norms and standards. Human rights represent an important chapter of the Slovenian Constitution and also constitute one of the key pillars of Slovenia's foreign policy. Slovenia's pledges and commitments in accordance with General Assembly resolution 60/251 are enclosed to the present note (see annex).

07-22482 (E) 010207

Annex to the note verbale dated 23 January 2007 from the Permanent Mission of Slovenia to the United Nations addressed to the Secretary-General

Aide memoire

Candidature of Slovenia for the Human Rights Council

Voluntary pledges and commitments (based on General Assembly resolution 60/251)

The Republic of Slovenia is putting forward its candidature for the membership of the Human Rights Council at the upcoming elections to be held in May 2007, during the 61st session of the United Nations General Assembly.

Slovenia's very existence is rooted in the popular strive for democracy and the protection of human rights and fundamental freedoms. Slovenia has continuously strived, as a matter of policy, to contribute constructively and progressively to the universal promotion and protection of human rights.

Human rights provisions represent 1/3 of all provisions of the Slovenian Constitution. Further, the Chapter of the Slovenian Constitution entitled "Human Rights and Fundamental Freedoms" is placed as Chapter 2, directly after the General Provisions of the Constitution. Human Rights also constitute one of the key pillars of Slovenia's foreign policy.

Full support for and cooperation with the Human Rights Council

Slovenia has strongly supported the idea of a new Human Rights Council since it has first been suggested, has actively participated in its creation and welcomed the establishment of the Human Rights Council, including its innovative features, such as the universal scrutiny for all. Slovenia has followed the first year of the operation of the new Council in the observer capacity attentively.

In 2002, Slovenia issued a standing and open invitation to the mandate holders of special procedures of the Commission on Human Rights. We have been and remain fully committed to cooperation with the special procedures and relevant mechanisms.

Slovenia pledges

- to continue to support mainstreaming of human rights into all aspects of UN activities, including through communication between the HRC and other UN bodies;

- to continue to work on the strengthening of the relationship between the Human Rights Council and the General Assembly, in particular the Third Committee, as necessary, as well as other relevant UN bodies;

- to cooperate fully with the procedures and mechanism of the HRC, including through visits of special procedures, on the basis of their own terms of reference, to reply to all letters of allegation received from them, and to invest efforts to implement the recommendations that they will have addressed to Slovenia;

- to contribute to the creation and functioning of universal periodic review and to pledge to undergo its review;

- not to resort to procedural means to stop addressing of substantive issues in the Human Rights Council;

- to endeavour that the HRC provides an adequate response to human rights crises, when they occur, based on recommendations for action from UN human rights mechanisms and to further endeavour that the HRC provides a sustainable attention of the international community in situations where human rights crises persist;

- to promote the development of human rights norms, where required and relevant, starting with the commitment for an early signing the Convention on Enforced Disappearances, adopted on 20 December 2006, and to adopt the Declaration on the Rights of Indigenous peoples;

- to insist on and be accessible for good, transparent and timely exchange of information and views between member and observer States.

Reaffirming the support to the Office of UNHCHR, other UN agencies, international and regional organizations - promoting human rights approach

Slovenia used to and will continue to support the strengthening of the Office of the United Nations High Commissioner for Human Rights.

Slovenia supported the doubling of the Office's regular budget financing by 2010 so as to enable it to strengthen its work by assisting states in their implementation of human rights norms and standards.

Slovenia pledges

- to continue to increase its voluntary contributions to the Office of the UNHCHR;

- to continue to provide, to the best of its abilities, voluntary contributions to the rest of the United Nations Human Rights System;

- to promote human rights based approach in its support to UN activities and in its engagement in the governmental bodies of UNICEF, UNDP, UNIFEM, UNFPA, UNHCR, WHO and FAO, as well as to IOM and ILO, and within regional organizations, such as the Council of Europe and the OSCE.

International Human Rights Instruments and submission of periodic reports - implementation at the national level

Slovenia remains committed to the aims and principles of the UN Charter, norms and standards emanating from the Universal Declaration on Human Rights and other *international instruments in the field of human rights, international humanitarian law and refugee law.*

Slovenia succeeded or ratified major international instruments in the field of human rights, international humanitarian law and refugee law, including

- International Covenant on Civil and Political Rights and its two Optional Protocols;
- International Covenant on Economic, Social and Cultural Rights;
- International Convention on the Elimination of All Forms of Racial Discrimination;
- Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol;
- Convention on the Rights of the Child and its two Optional Protocols;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol;
- four Geneva Conventions and their two Additional Protocols;
- the Rome Statute of the International Criminal Court;
- the Additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime;
- Convention on the Status of Refugees and its Protocol;
- Slovenia signed the Additional Protocol III to the Geneva Conventions, which is to be ratified in the near future;
- Convention on the Safety of United Nations and Associated Person and Slovenia also signed its Optional Protocol, which is to be ratified in the near future.

Slovenia has no reservations to any of these treaties.

Slovenia also succeeded or ratified 75 ILO Conventions, including all 8 core ILO Conventions.

According to the Slovenian Constitution, these international legal instruments are directly applicable in the Slovenian legal order.

Slovenia accepted being a subject to all communication procedures of the United Nations human rights treaties it has ratified.

Slovenia regularly submits periodic reports required by the human rights treaties and takes steps to publicize and follow-up within Slovenia on treaty bodies' concluding observations and recommendations.

Slovenia has an active and independent national human rights institution – Human Rights Ombudsman – providing independent assessment of the national implementation of human rights

obligations and standards. Ombudsman's annual report on human rights situation in Slovenia is a public document, also available in English (www.varuh-rs.si).

Slovenia pursues regular dialogue with the civil society on human rights issues in its foreign policy. Slovenia further supports the inclusion of strong, free and independent civil society's voice in the efforts aimed at improvement of human rights situation nationally, regionally and internationally. We will continue to promote an inclusive approach with regard to the work of the Council.

Slovenia pledges

- *upon having signed, to quickly ratify the Additional Protocol III to the Geneva Conventions;*
- *to sign and ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol;*
- *to sign and ratify the Convention for the Protection of All Persons from Enforced Disappearance;*

Slovenia firmly believes that the promotion and implementation of economic, social and cultural rights is an integral and extremely important part of the overall human rights regime and pledges to continue to actively demonstrate its support for the drafting of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights to provide a communication procedure to the set of rights emanating from this treaty.

Slovenia pledges to continue to submit regularly periodic reports to the human rights treaty bodies and to assure follow-up, including dissemination and publication within Slovenia of the recommendations and comments made by those bodies and concrete activities aimed at their effective implementation .

Ljubljana, 17 January 2007

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Agenda item 139
Financing of the United Nations Mission in Ethiopia and Eritrea

Performance report on the budget of the United Nations Mission in Ethiopia and Eritrea for the period from 1 July 2005 to 30 June 2006

Report of the Secretary-General

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Summary

The present report contains the performance report on the budget of the United Nations Mission in Ethiopia and Eritrea (UNMEE) for the period from 1 July 2005 to 30 June 2006.

The total expenditure for UNMEE for the period from 1 July 2005 to 30 June 2006 has been linked to the Mission's objective through a number of results-based frameworks grouped by components: substantive civilian, military and support.

Performance of financial resources

(Thousands of United States dollars. Budget year is from 1 July 2005 to 30 June 2006.)

			Variance	
Category	*Apportionment*	*Expenditure*	*Amount*	*Percentage*
Military and police personnel	79 597.7	78 057.5	1 540.2	1.9
Civilian personnel	32 718.3	27 778.4	4 939.9	15.1
Operational costs	64 348.4	50 160.2	14 188.2	22.0
Gross requirements	**176 664.4**	**155 996.1**	**20 668.3**	**11.7**
Staff assessment income	4 477.5	3 511.1	966.4	21.6
Net requirements	**172 186.9**	**152 485.0**	**19 701.9**	**11.4**
Voluntary contributions in kind (budgeted)	—	—	—	—
Total requirements	**176 664.4**	**155 996.1**	**20 668.3**	**11.7**

Human resources incumbency performance

Category	*Approved*[a]	*Planned average*	*Actual (average)*	*Vacancy rate (percentage)*[b]
Military observers	230	228	211	7.2
Military contingents	3 184	3 085	3 113	(0.9)
International staff	230	230	182	21.0
National staff	246	246	226	8.3
United Nations Volunteers	74	74	68	8.7

[a] Represents the highest level of authorized strength.

[b] Based on monthly incumbency and approved monthly strength.

The actions to be taken by the General Assembly are set out in section V of the present report.

I. Introduction

1. The budget for the maintenance of Mission for the period from 1 July 2005 to 30 June 2006 was set out in the report of the Secretary-General of 21 December 2004 (A/59/636 and Corr.1) and amounted to $176,716,200 gross ($172,238,700 net). It provided for 220 military observers, 3,184 military contingents, 230 international staff, 246 national staff and 74 United Nations Volunteers. The Advisory Committee on Administrative and Budgetary Questions, in paragraph 46 of its report (A/59/736/Add.10), recommended that the General Assembly appropriate $176,716,200 gross for the period from 1 July 2005 to 30 June 2006.

2. The General Assembly, by its resolution 59/303, appropriated an amount of $176,664,400 gross ($172,186,900 net) for the maintenance of the Mission for the period from 1 July 2005 to 30 June 2006. The total amount has been assessed on Member States.

II. Mandate performance

3. The mandate of the Mission was established by the Security Council in its resolutions 1312 (2000) and 1320 (2000) and further adjusted by the Council in its resolution 1430 (2002). The mandate for the performance period was provided by the Council in its resolutions 1586 (2005), 1622 (2005), 1661 (2006), 1670 (2006), 1678 (2006) and 1681 (2006). By its resolution 1622 (2005) the Security Council approved the reconfiguration of the UNMEE military component, including an increase in the number of military observers by 10, within the existing overall mandated strength of 3,404 personnel. By its resolution 1681 (2006), the Council further adjusted the military strength to 2,300 troops, including up to 230 military observers.

4. The Mission is mandated to help the Security Council achieve an overall objective, namely, the peaceful settlement of the dispute between Ethiopia and Eritrea.

5. Within this overall objective, the Mission has, during the reporting period, contributed to a number of accomplishments by delivering related key outputs, shown in the frameworks below. The frameworks are grouped by component: substantive civilian, military and support.

6. The present report assesses actual performance against the planned results-based frameworks set out in the 2005/06 budget. In particular, the performance report compares the actual indicators of achievement, that is, the extent to which actual progress has been made during the period against the expected accomplishments, with the planned indicators of achievement and compares the actually completed outputs with the planned outputs.

Component 1: substantive civilian

Expected accomplishment 1.1: peaceful settlement of the border dispute between Ethiopia and Eritrea

Planned indicators of achievement	*Actual indicators of achievement*
1.1.1 Continued dialogue with each of the parties to the conflict in regular meetings/consultations with the head of Mission	Achieved

Planned outputs	*Completed (number or yes/no)*	*Remarks*
Organization of 70 meetings and consultations between high-level political officials and religious leaders of both parties with the head of Mission	64	
190 political meetings and briefings with external stakeholders of the peace process	183	
30 field visits by the head of Mission and senior management to high-level community officials in the temporary security zone and its adjacent areas	11	The Special Representative of the Secretary-General and the Deputy Special Representative in Asmara were absent from the Mission area for most of the time from January to June 2006
4 reports of the Secretary-General to the Security Council	3	Reports; owing to regular updates following three short extensions of the UNMEE mandate between March and May 2006, instead of the usual progress report that would have been issued in June/July 2006, the Mission was requested to submit only another update to the Security Council
Television/radio campaign, including: 2 4-hour broadcasts twice a week in 7 languages covering the Mission area	52	Weekly 1-hour radio programmes were broadcast in 7 languages on Merlin VT Communications in Ethiopia and Eritrea and 50 programmes on Radio Eritrea; 2 programmes, scheduled for February and May 2006, were not aired owing to a transmitter malfunction
7 public information campaigns and indirect advertising	5	2 press luncheons in Addis Ababa and Asmara, 2 open days in Mekelle and Adigrat (Ethiopia), 1 UNMEE participant in the Asmara Annual Book Fair; 2 guided tours to field installations were cancelled because of the deteriorating political climate in Eritrea
7 direct advertising campaigns promoting radio programmes	No	The campaigns were cancelled because of political uncertainties prevailing in both countries

12 television/radio public service announcements in 7 languages	No	The political situation in both countries prevented the launch of the campaign on radio and television
10 episodes of 30-minute television drama and 5 episodes of "video dialogue" in 2 languages, 1 television documentary	13	Short videos; in addition, two lots of unedited video footage were sent to broadcasters, including APTN, Reuters, CNN and South Africa TV; online video was launched on the UNMEE website in early February 2006; other outputs were not realized owing to the mandatory relocation of some staff and the departure of the Chief of the Video Unit in December
Print material campaign, including: 12 monthly newsletters in English, Amharic and Tigrinya with inclusion of Afaan, Oromo and Afar on an experimental basis	11	Monthly newsletters; the July and August editions were consolidated
10 special editions	5	Special editions; the production of special editions depends on the number of high profile; non-sensitive visits to the Mission area
15,000 calendars distributed Mission-wide	12,000	Calendars; the number of copies was reduced because of technical difficulties in the production process
52 press briefings	39	Press briefings; starting in January 2006, periodicity was reduced from weekly to biweekly
Maintenance of 3 outreach centres in Ethiopia for 40,000 visitors	3	Outreach centres maintained; 39,262 visitors were served in spite of the closure of the Addis Ababa Centre for November and December owing to staffing difficulties and local political disturbances

Expected accomplishment 1.2: safe and secure living conditions in the temporary security zone and adjacent areas

Planned indicators of achievement	*Actual indicators of achievement*
1.2.1 Return of remaining 140,000 internally displaced persons in Ethiopia and Eritrea to their respective homes	20,576 internally displaced persons returned Based on 2005 data from the Office for the Coordination of Humanitarian Affairs, the number of internally displaced persons in both countries stands at 113,000
1.2.2 Resettlement of 40,000 people directly affected by the transfer of territory	Not achieved, as the demarcation process did not commence

Planned outputs	*Completed (number or yes/no)*	*Remarks*
Monitoring of the return and resettlement of 140,000 internally displaced persons	123	Field trips to monitor 113,000 internally displaced persons were completed
Monitoring of human rights and humanitarian situation of 40,000 people affected by the transfer of territory	No	The demarcation process did not commence
50 fact-finding and monitoring trips within the temporary security zone, including with representatives of the United Nations country teams (United Nations Children's Fund (UNICEF), Office of the United Nations High Commissioner for Refugees (UNHCR), World Food Programme (WFP), Office for the Coordination of Humanitarian Affairs, United Nations Development Programme (UNDP) and/or donors)	123	Monitoring visits, not including United Nations country team participation; the number of planned visits was exceeded because of an increase in human rights incidents following the mandated withdrawal of military observers of certain nationalities from Eritrea
Periodic provision of logistics support to United Nations country teams	No	Support is normally provided only on request
Participation in 40 weekly and 12 monthly collaborative meetings of the United Nations country teams, the annual joint meeting of the country teams of Ethiopia and Eritrea and ad hoc meetings, as necessary, on humanitarian issues	36	Weekly meetings in Eritrea covering technical issues, including security and military affairs, were attended by the Deputy Special Representative or the Director of the Office of the Special Representative
	9	Monthly meetings: 5 in Ethiopia and 4 in Eritrea; the meetings were also attended by the Chief of the Human Rights Office when humanitarian/human rights issues were on the agenda
Regular coordination of the Mission's activities in the temporary security zone and its adjacent areas with the humanitarian activities and reconstruction programmes of such United Nations agencies as UNICEF, UNDP, the joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Population Fund (UNFPA) and other organizations working in those areas	28	Meetings with United Nations agencies and other international organizations, such as the International Committee of the Red Cross (ICRC)

Conduct of joint HIV/AIDS awareness activities (workshops, participation in promotional events, HIV/AIDS Day celebration) with other United Nations agencies (UNAIDS, UNICEF, the World Health Organization (WHO)), host nations' armed forces and local population	4	Workshops
	12	Technical working group meetings
	10	HIV/AIDS learning team meetings
	52	Weekly radio public service announcements; activities with host nations armed forces did not take place, as they are running independent programmes

Expected accomplishment 1.3: progress towards meeting human rights commitments contained in the Algiers Agreements

Planned indicators of achievement	*Actual indicators of achievement*
1.3.1 Reduction in the number of reported cases of cross-border abductions, detentions and "disappearances" from 53 cases involving 94 individuals in 2003/04 to 60 in 2004/05 to 40 in 2005/06	62 reported cases; the increase in the number of cases is correlated with human rights incidents following downsizing and/or evacuation of some military posts
1.3.2 Reduction in the number of incidents of human rights violations within the temporary security zone and the adjacent areas from 49 incidents involving 133 alleged victims in 2003/04 to 40 in 2004/05 to 25 in 2005/06	46 incidents reported; the restrictions placed on UNMEE by the Eritrean authorities have limited the Mission's monitoring capacity
1.3.3 Legal resolution of issues relating to nationality, family, property and land-use rights of the 40,000 persons affected by transfer of territories	Not achieved, as the demarcation process did not commence

Planned outputs	*Completed (number or yes/no)*	*Remarks*
Investigation of 80 cases of cross-border incidents, including abductions, detentions and disappearances	62	Cases in three sectors
Investigation of 60 reports of human rights violations within the temporary security zone and adjacent areas	46	Cases in two sectors; the Human Rights Office in subsector East has been closed since December 2005 following the expulsion of staff members of certain nationalities by the Eritrean authorities
Coordination and advice on human-related policies to be implemented for 100 meetings with local authorities and civic groups in Ethiopia	93	Meetings

100 monitoring visits to internally displaced persons' camps and refugee and transit camps	91	Monitoring visits
Conduct of interviews with civilians of Ethiopian origin repatriated by Eritrea and civilians of Eritrean origin repatriated by Ethiopia (deportees hosted in transit camps, to obtain first-hand account of the circumstances)	136	Interviews were conducted during 3 repatriations with 383 civilians of Ethiopian origin repatriating from Eritrea
Chairing of and participation in 15 meetings of joint UNMEE/United Nations country team Human Rights Working Groups in Ethiopia and Eritrea to exchange information and coordinate human rights activities and programmes	15	Meetings
Organization of 2 national seminars involving representatives of the Governments and religious leaders on the role and impact of human rights within peace process	No	The seminars were not organized owing to the situation on the ground
Conduct of 30 human rights training seminars for law enforcement officials, women's and youth associations and other civil society organizations	35	Planned human rights seminars; in addition, capacity-building projects were conducted by the UNMEE Human Rights Office with a trust fund donation of $25,000 from the Office of the United Nations High Commissioner for Human Rights

Component 2: military

Expected accomplishment 2.1: maintenance of separation of forces, security and integrity of the temporary security zone and its adjacent areas

Planned indicators of achievement	*Actual indicators of achievement*
2.1.1 No serious violations of the Agreement on Cessation of Hostilities	Achieved

Planned outputs	*Completed (number or yes/no)*	*Remarks*
Chairing of 9 Military Coordination Commission meetings with the 2 parties	6	The number of meetings held depends on mutually agreed scheduling
Chairing of 36 Sector Military Coordination Committee meetings with the parties	9	The number of meetings held depends on mutually agreed scheduling

52,560 military observer mobile patrol person-days (4 military observers per patrol x twice a day x 18 posts x 365 days)	54,920	Mobile patrols; additional patrols were undertaken on the directive of Force Commander to partially offset the deficiency in area domination that was likely to accrue as a result of the ban on helicopter flights in October 2005
216,080 foot-patrol person-days (8 troops per patrol x twice a day x 37 posts x 365 days)	173,808	Foot-patrol person-days; there were fewer patrol person-days because of a reduction in the number of posts from 37 to 20
2,646 air-patrol hours	1,369	Air-patrol hours; there were fewer air-patrol hours because of a ban on helicopter flights imposed since 5 October 2005
119,720 troop-manned static observation post person-days (8 troops per post x 41 posts x 365 days)	70,912	Troop-manned static observation post person-days (8 troops per post x 37 posts x 92 days and 8 troops per post x 20 posts x 273 days); reflects a reduction in the number of observation posts following the ban on helicopter flights in October 2005
5,470 challenge inspections inside the temporary security zone	144	Challenge inspections; reduced output is due to restrictions on freedom of movement, including the ban on helicopter flights, bad roads in the rainy season and the evacuation of one team site
Investigation of 600 minor incidents, such as cattle belonging to either party grazing/straying into the temporary security zone or across borders, abduction of cattle/people by either side, firing in the air, or mine/unexploded ordnance explosions	620	Minor incidents investigated and reported on: 62 cases of abductions/border allegations, 75 cattle-rustling incidents, 202 restrictions on freedom of movement, 73 incidents of small arms fire, 147 pieces of unexploded ordnance found and destroyed, 35 medical and casualty evacuations of civilians and 26 cases of repatriation of civilians of either side

Expected accomplishment 2.2: reduced threat of mines in the temporary security zone and its adjacent areas

Planned indicators of achievement	*Actual indicators of achievement*
2.2.1 Reduction in the number of casualties among the local population resulting from mine accidents from 40 in 2003/04 and 2004/05 to 30 in 2005/06	63 casualties; the increase in the number of casualties was due primarily to 20 casualties resulting from 1 bus accident and to newly laid mines
2.2.2 Reduction in the newly laid anti-tank mine strikes on roads within the temporary security zone and adjacent areas from 30 in 2002/03 to 4 in 2003/04 to 2 in 2004/05 and 0 in 2005/06	Increase to 7 newly laid anti-tank mine strikes

Planned outputs	*Completed (number or yes/no)*	*Remarks*
Clearing of 10,000 km of access roads to the 25 pillar sites	1,467	Kilometres of roads cleared; demarcation did not commence, thus no access roads to the pillar sites were cleared; demining was seriously affected by the helicopter ban, causing a stand-down for 6 months
Clearing of 500,000 m^2 of pillar sites of mines and unexploded ordnance	0	Demarcation did not commence, thus no pillar sites were cleared
Investigation of 15 mine accidents	23	Accidents investigated
Identifying and disposing of 20,000 unexploded ordnance tasks involving the location and disposition of items ranging from small arms ammunition to large bombs	2,301	Pieces of unexploded ordnance
	55	Anti-personnel
	10	Anti-tank
		Demining was seriously affected by the helicopter ban, causing a stand-down for 6 months
Clearing up to 20 million m^2 of land for force mobility and training tasks	3,393,123	Square metres cleared; demining was seriously affected by the helicopter ban, causing a stand-down for 6 months
2 updated mine and unexploded ordnance threat assessments	Yes	
Updated and enhanced mines database and area of responsibility maps	Yes	
Mine risk education training for 25,000 civilians	33,713	Civilians trained; increase reflects significant return of population to the temporary security zone

Component 3: support

Expected accomplishment 3.1: effective and efficient logistical, administrative and security support to the Mission

Planned indicators of achievement	*Actual indicators of achievement*
3.1.1 Reduction in the number of days required to fully write off and dispose of assets from 172 days in 2003/04 to 120 days in 2004/05 to 105 days in 2005/06	172 days; the increase in the number of days required to fully write off and dispose of assets was due to the expulsion by the Eritrean Government of staff of certain nationalities from the Mission
3.1.2 Reduction in the number of accidents from 300 in 2003/04 to 67 in 2004/05 to 60 in 2005/06	Achieved; only 35 accidents were recorded

3.1.3 Improved armoured vehicle availability rate from 72 per cent in 2003/04 to 75 per cent in 2004/05 to 85 per cent in 2005/06	65 per cent armoured vehicle availability rate; not fully achieved owing to a reduction of national personnel working in the Transport Section in sector West/Barentu
3.1.4 Improved civilian vehicle availability rate from 93 per cent in 2003/04 to 91 per cent in 2004/05 to 95 per cent in 2005/06	Achieved

Planned outputs	*Completed (number or yes/no)*	*Remarks*
Service improvement		
Decrease in time from identification to review and disposal action for assets to be written off as dictated by safe environmental control laws, resulting from the creation of a Property Disposal Unit and the establishment of a holding site for such assets	No	Half of the members of the disposal team were among the international staff expelled from the Mission
Implementation of more stringent proficiency testing of all UNMEE vehicle users complemented by various campaigns initiated by the Advisory Committee on Traffic and Safety and penalties as a result of road violations.	Yes	
Enforcement of preventive maintenance schedule at 5,000 km for all vehicles through use of Carlog	Yes	
Military and police personnel		
Emplacement, rotation and repatriation of an average troop strength of 3,184 and 220 military observers	3 113	Military troops — average strength
	211	Military observers — average strength
Supply of rations and water at 19 locations for an average troop strength of 3,184	Yes	
130 contingent-owned equipment inspections, review of 3 memorandums of understanding	151	Inspections comprising 130 spot-check inspections, 3 arrival inspections and 18 operational readiness inspections
Personnel		
Administration of an average 230 international staff, 246 national staff and 74 United Nations Volunteers	182	International staff
	226	National staff

	68	United Nations Volunteers; following the Eritrean Government's expulsion order effective 15 December 2005, UNMEE imposed a freeze on most recruitment of international staff, national staff and United Nations Volunteers, pending clarification on the future mandate of the Mission
Facilities		
Maintenance of 44 facilities and 25 land parcels in 28 locations	45	Premises maintained; the additional facility is the Economic Commission for Africa building, which is being utilized for staff relocated from Asmara
	25	Land parcels maintained
Operation and maintenance of 2 water treatment and bottling plants	Yes	
Maintenance of 22 water wells	14	Water wells maintained; of the 14 wells, 2 were handed over to local administration in November 2005 and 1 was closed in February 2006, and of the remaining 8 wells, 2 were handed over to local administration in 2004/05, 1 was closed in February 2005 and 5 are local municipality wells not maintained by UNMEE
Operation and maintenance of 212 generators	Yes	
Maintenance of 143 km of supply routes, including repair of 30 km	300	Kilometres maintained
	25	Kilometres repaired; work was completed according to actual requirements of troops for supply routes
Implementation of first phase of 2-year project to construct 25 (of 35) observation towers at 17 troop deployment sites and 7 UNMEE facilities	2	Observation towers constructed at Adiguadad (Eritrea) logistics base location; remaining 23 towers were not constructed owing to the restrictions imposed by the Eritrean Government on UNMEE operations and further reduction of troop deployment sites
Group transportation		
Operation and maintenance of 520 vehicles, including 62 armoured vehicles in 5 locations	520	Vehicles on road
	59	Armoured vehicles maintained; 3 armoured vehicles were written off owing to age/structural damage
Operation and maintenance of 7 transport workshops and operation of 2 mobile workshops	Yes	
Air transportation		
Operation and maintenance of 3 fixed-wing and 9 rotary-wing aircraft	2	Fixed-wing aircraft operated and maintained for the full period; services of 1 HS-125 fixed-wing aircraft contract was discontinued from February 2005

	8	Rotary-wing aircraft were operated and maintained from 1 July to 4 October 2005 from their respective operational bases; 4 helicopters were subsequently sent to the United Nations Organization Mission in the Democratic Republic of the Congo and 2 resumed operations from Adigrat and Axum (Ethiopia) on 5 October 2005 and 24 March 2006 respectively
Communications		
Support and maintenance of 30 VSAT systems, 22 PABX telephone exchanges at 24 locations and 400 mobile high-frequency radios with vehicle tracking devices	30	VSAT terminals
	22	Telephone exchanges
	378	Mobile high-frequency radios with tracking devices
Information technology		
Support and maintenance of 1,103 desktops, 192 laptops, 534 printers, 6 plotters and 104 servers in 25 locations	933	Desktop computers
	215	Laptop computers
	511	Printers
	5	Plotters
	89	Servers
Medical		
Operation and maintenance of 1 level-I civilian medical clinic and 1 level-II military hospital for Mission personnel	2 039	Outpatients treated at the level-I clinic
	2 578	Outpatients and admissions treated at the level-II military hospital
Distribution of safe sex promotional material to all military personnel and maintenance of 9 HIV/AIDS libraries	6	HIV/AIDS libraries maintained; reduction due to rationalization for more efficient management
Evaluation visits on adequacy of predeployment counselling on HIV/AIDS and sexually transmitted diseases to 3 troop-contributing countries	No	There was change of strategy with the same result being achieved using an AIDS awareness questionnaire during induction training
Training of 180 trainers in HIV/AIDS prevention with consequent training of approximately 600 peer educators	30	Contingent-trained trainers; fewer train-the-trainer courses were conducted because of a shortage of personnel

Other supplies and services		
Production of 6,300 various maps	3 781	Maps produced; owing to the situation in the Mission area, the Geographic Information System Unit ceased providing services to other United Nations agencies (the Food and Agriculture Organization of the United Nations, WFP, UNHCR, WHO, the Office for the Coordination of Humanitarian Affairs), donors, ICRC, non-governmental organizations and others; in addition, the staffing of the Unit was reduced due to the freeze on recruitment of international staff and UNVs
Security		
Provision of security 24 hours a day, 7 days a week, to 5 installations and 6 premises	Yes	

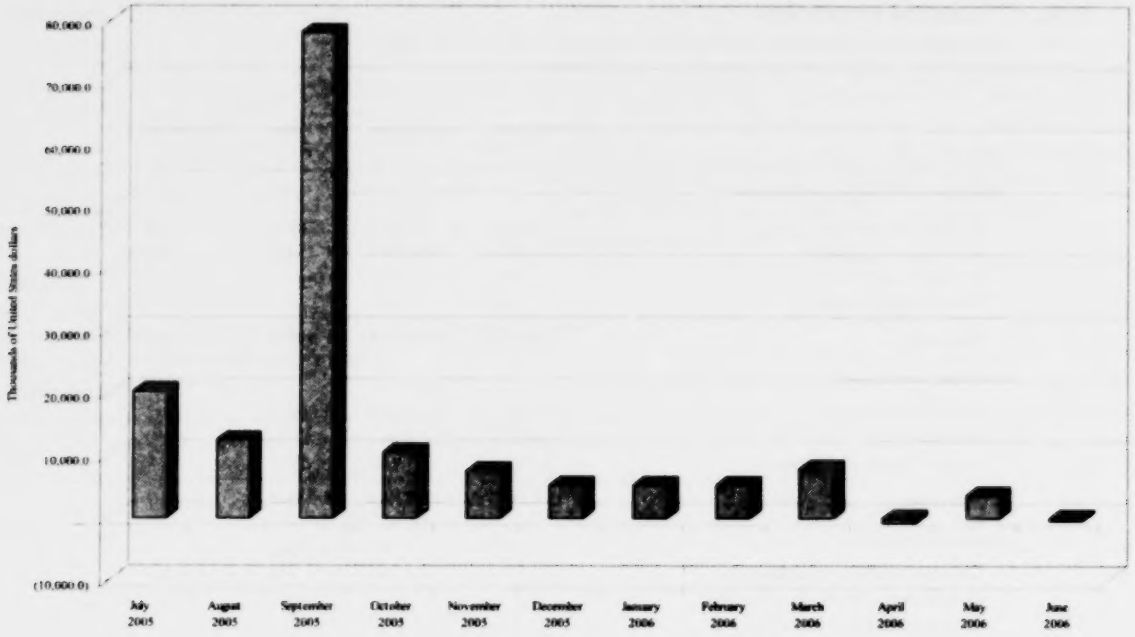
III. Resource performance

A. Financial resources

(Thousands of United States dollars. Budget year is from 1 July 2005 to 30 June 2006.)

			Variance	
	Apportionment	*Expenditure*	*Amount*	*Percentage*
Category	*(1)*	*(2)*	*(3) = (1) - (2)*	*(4) = (3) ÷ (1)*
Military and police personnel				
Military observers	7 308.8	7 120.8	188.0	2.6
Military contingents	72 288.9	70 936.7	1 352.2	1.9
Civilian police	—	—	—	—
Formed police units	—	—	—	—
Subtotal	**79 597.7**	**78 057.5**	**1 540.2**	**1.9**
Civilian personnel				
International staff	29 113.2	24 107.8	5 005.4	17.2
National staff	1 065.0	1 150.7	(85.7)	(8.0)
United Nations Volunteers	2 540.1	2 519.9	20.2	0.8
Subtotal	**32 718.3**	**27 778.4**	**4 939.9**	**15.1**
Operational costs				
General temporary assistance	—	—	—	—
Government-provided personnel	—	—	—	—
Civilian electoral observers	—	—	—	—
Consultants	—	6.5	(6.5)	—
Official travel	700.0	726.9	(26.9)	(3.8)
Facilities and infrastructure	16 538.3	14 765.9	1 772.4	10.7
Ground transportation	5 873.7	4 550.3	1 323.4	22.5
Air transportation	21 869.7	12 849.7	9 020.0	41.2
Naval transportation	—	—	—	—
Communications	5 993.0	4 487.0	1 506.0	25.1
Information technology	1 425.1	931.8	493.3	34.6
Medical	2 276.2	2 510.1	(233.9)	(10.3)
Special equipment	1 412.9	1 275.7	137.2	9.7
Other supplies, services and equipment	8 259.5	8 056.3	203.2	2.5
Quick-impact projects	—	—	—	—
Subtotal	**64 348.4**	**50 160.2**	**14 188.2**	**22.0**
Gross requirements	**176 664.4**	**155 996.1**	**20 668.3**	**11.7**
Staff assessment income	4 477.5	3 511.1	966.4	21.6
Net requirements	**172 186.9**	**152 485.0**	**19 701.9**	**11.4**
Voluntary contributions in kind (budgeted)	—	—	—	—
Total requirements	**176 664.4**	**155 996.1**	**20 668.3**	**11.7**

B. Monthly expenditure pattern



7. Higher expenditures in September 2005 were attributable to the recording, in the UNMEE special account, of obligations for the reimbursement of troop-contributing Governments for troop costs, major equipment and self-sustainment, as well as for the provision of rations for military contingents.

C. Other income and adjustments

(Thousands of United States dollars)

Category	*Amount*
Interest income	2 114.4
Other/miscellaneous income	432.2
Voluntary contributions in cash	—
Prior-period adjustments	(23.3)
Savings on or cancellation of prior-period obligations	12 665.7
Total	**15 189.0**

D. Expenditure for contingent-owned equipment: major equipment and self-sustainment

(Thousands of United States dollars)

Category	*Expenditure*
Major equipment	
Military observers	12 751.4
Military contingents	—
Formed police units	—
Subtotal	**12 751.4**
Self-sustainment	
Facilities and infrastructure	
Catering (kitchen facilities)	875.5
Office equipment	724.2
Electrical	717.1
Minor engineering	566.1
Laundry and cleaning	782.8
Tentage	—
Accommodation	26.6
Miscellaneous general stores	1 584.0
Unique equipment	—
Field defence stores	—
Communications	
Communications	2 993.6
Medical	
Medical services	1 821.3
Special equipment	
Explosive ordnance disposal	254.8
Observation	1 016.6
Identification	—
Nuclear, biological and chemical protection	—
Subtotal	**11 362.6**
Total	**24 114.0**

Mission factors	*Percentage*	*Effective date*	*Last review date*
A. Applicable to Mission area			
Extreme environmental condition factor	1.10	1 July 2004	1 July 2002
Intensified operational condition factor	3.80	1 July 2004	1 July 2002
Hostile action/forced abandonment factor	1.90	1 July 2004	1 July 2002
B. Applicable to home country			
Incremental transportation factor	0.25-1.75		

IV. Analysis of variances[1]

	Variance	
International staff	$5,005.4	17.2%

8. The unutilized balance was due to an average monthly vacancy rate of 21 per cent compared with the budgeted rate of 5 per cent. The Mission experienced difficulty with recruitment as a result of uncertainty about the extension of its mandate.

	Variance	
Facilities and infrastructure	$1,772.4	10.7%

9. The variance was due primarily to the following: (a) the non-utilization of the provision made for the construction of a staff officer camp for lack of a suitable site; (b) the non-procurement of spare parts and supplies for the water bottling plant because the systems contract was not in place and of air-conditioning spares that did not meet specifications; (c) lower actual requirements for alteration and renovation services owing to the reduction in the number of campsites as a result of the reconfiguration of the military; and (d) actual requirements for reimbursements to troop-contributing countries for equipment provided under self-sustainment were lower than budgeted owing to the reconfiguration of the military; and was offset by additional requirements for petrol, oil and lubricants owing to price increases, rental of land/office space for staff relocated to Addis Ababa from Asmara and utilities.

	Variance	
Ground transportation	$1,323.4	22.5%

10. The unutilized balance was due primarily to the postponement of the procurement of new vehicles pending clarification of the future of the Mission.

	Variance	
Air transportation	$9,020.0	41.2%

11. The unutilized balance resulted mainly from the non-utilization of 4 helicopters from October 2005 because of the ban imposed by the Government of Eritrea and 212 fewer actual flying hours than budgeted for fixed-wing aircraft.

[1] Resource variance amounts are expressed in thousands of United States dollars. The threshold for analysis of variances is 5 per cent and $100,000, plus or minus.

	Variance	
Communications	$1,506.0	25.1%

12. The unspent balance was due primarily to the non-utilization of the bulk of resources provided to equip the new staff officer camp, the recovery of significant amounts for personal telephone calls, which were used to offset expenditures, and new, more advantageous contractual arrangements for communications support services.

	Variance	
Information technology	$493.3	34.6%

13. The unutilized balance was due primarily to the postponement or cancellation of planned equipment purchases resulting from the unforeseen relocation of staff from Asmara to Addis Ababa and new more advantageous contractual arrangements for information technology services.

	Variance	
Medical	($233.9)	(10.3%)

14. The additional requirements under this heading resulted primarily from expenditures incurred for the Mission's prorated share of the cost of stockpiling supplies for the treatment of avian influenza.

	Variance	
Special equipment	$137.2	9.7%

15. The unutilized balance was due to lower actual requirements of reimbursement to troop-contributing countries for equipment provided under self-sustainment, as some self-sustainment categories were provided by the United Nations instead of troop-contributing countries, as well as to the repatriation of the Italian military police.

V. Actions to be taken by the General Assembly

16. **The actions to be taken by the General Assembly in connection with the financing of UNMEE are**:

(a) **To decide that Member States shall waive their respective shares in other income for the period ended 30 June 2006, amounting to $15,189,000, and their respective shares in the amount of $1,893,700 from the unencumbered balance of $20,668,300 for the period ended 30 June 2006, to be applied to meeting the current and future after-service health insurance liabilities of the United Nations**;

(b) **To decide on the treatment of the remaining unencumbered balance of $18,774,600 for the period ended 30 June 2006**.

United Nations A/61/721–S/2007/45

General Assembly
Security Council

Distr.: General
29 January 2007
English
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General Assembly
Sixty-first session
Agenda item 13
The situation in the Middle East

Security Council
Sixty-second year

Identical letters dated 29 January 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical summary of Israeli violations during the period from 15 to 21 January 2007 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda item 13, and of the Security Council.

(*Signed*) Caroline **Ziade**
Chargé d'affaires a.i.

07-22416 (E) 300107 300107

Annex to the identical letters dated 29 January 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Re: Israeli violations, attacks and activities from 15 to 21 January 2007, inclusive

Air violations

On 16 January 2007, between 1750 hours and 1805 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace and overflew Tyre at high altitude.

On 17 January 2007, between 1345 hours and 1430 hours, enemy Israeli warplanes overflew the Bent Jbail and Al-Naqoura regions at high altitude.

On the same date, between 1330 hours and 1605 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over Kfar Kila in a northerly direction and circled over regions of the South. It then departed Lebanese airspace over Kfar Kila.

On the same date, at 1810 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over Rmaich in a northerly direction and circled over the South, Beirut and Jbail. It then departed Lebanese airspace on 18 January 2007 at 0210 hours over the sea off Al-Naqoura.

On 18 January 2007 between 0815 hours and 1430 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over Aalma al-Chaab and circled over regions of the South. It then departed Lebanese airspace over Rmaich.

On the same date, between 1340 hours and 1630 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over Aaitaroun and circled over the South region. It then departed Lebanese airspace over the sea off Al-Naqoura.

On 19 January 2007, between 0810 hours and 1205 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off Tyre in an easterly direction and circled over regions of the South. It then departed Lebanese airspace over Aalma al-Chaab.

On the same date, between 1200 hours and 1600 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off Al-Naqoura and circled over regions of the South. It then departed Lebanese airspace over Al-Naqoura.

On the same date at 2332 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off Beirut in an easterly direction and circled over areas of Beirut and its suburbs. It then departed Lebanese airspace on 20 January 2007 at 0030 hours over the sea off Al-Naqoura.

On 21 January 2007, between 1909 hours and 2310 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over Aalma al-Chaab and circled over the South region. It then departed Lebanese airspace over Aalma al-Chaab.

Field violations

On 17 January 2007, between 0015 hours and 0030 hours, enemy Israeli forces launched two flare bombs from inside occupied Palestinian territory over the Lebanese-Palestinian border opposite the town of Blida.

On 19 January 2007, at 1000 hours, enemy Israeli forces proceeded to cut down trees around the Ramta and Sammaqa outposts inside the occupied Shab'a farmlands. They were transported by truck into occupied Palestinian territory.

On 21 January 2007, at 1959 hours, enemy Israeli forces launched two flare bombs over the Blue Line across from the towns of Ramiye and Marouahine.

Israeli activities

On 15 January 2007, between 1140 hours and 1300 hours, enemy Israeli forces proceeded intermittently to strafe the area around their outpost at Sammaqa inside the occupied Shab'a farmlands with medium and light machine guns.

On 16 January 2007, between 1200 hours and 1400 hours, the sound of several bursts of light-weapons fire was heard from inside the occupied Shab'a farmlands.

On 17 January 2007, between 1000 hours and 1100 hours, Israeli vehicles were heard moving between the Ramta and Sammaqa outposts inside the occupied Shab'a farmlands.

On the same date, between 1735 hours and 1745 hours, inside occupied Palestinian territory opposite Ras al-Naqoura, the sound of two explosions was heard and flares were spotted.

On the same date, between 1900 hours and 2100 hours, in the open sea off Ras al-Naqoura, an Israeli military launch fired four flare bombs and a flare over occupied Palestinian regional waters.

On 19 January 2007, between 1030 hours and 1100 hours, Israeli vehicles were heard moving between the Ramta and Sammaqa outposts inside the occupied Shab'a farmlands.

On the same date, between 2000 hours and 2015 hours, enemy Israeli forces fired two flare bombs from their position in Jabal al-Tayyarat (across from the town of Ramiye) inside occupied Palestinian territory over the aforementioned position's landing strip.

On 21 January 2007, between 1745 hours and 1810 hours, the sound of medium-weapons bursts was heard between the enemy Israeli outposts in Rouaisset al-Alam and Sammaqa inside the occupied Shab'a farmlands.

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General Assembly

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Sixty-first session
Agenda item 67
Promotion and protection of human rights

Note verbale dated 25 January 2007 from the Permanent Mission of Moldova to the United Nations addressed to the Secretary-General

The Permanent Mission of the Republic of Moldova to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to the letter of the Secretary-General of the Council of Europe, Mr. Terry Davis, addressed to the Secretary-General of the United Nations dated 11 December 2006 concerning the failure of the Russian Federation to execute the decision of the European Court for Human Rights in case of a group of Moldovan citizens, would kindly like to ask you to circulate, under item 67 of the agenda of the sixty-first session of the General Assembly, the text of interim resolution RedDH(2006)26, adopted by the Committee of Ministers of the Council of Europe and mentioned in the letter of the Secretary-General of the Council of Europe. The text of the above-mentioned interim resolution (see annex I) and the explanatory memorandum (see annex II) to the interim resolution are attached to the present note.

07-22538 (E) 310107

Annex I to the note verbale dated 25 January 2007 from the Permanent Mission of Moldova to the United Nations addressed to the Secretary-General

COUNCIL OF EUROPE
COMMITTEE OF MINISTERS

Interim Resolution ResDH(2006)26
concerning the judgment of the European Court of Human Rights
of 8 July 2004 (Grand Chamber)
in the case of Ilaşcu and others against Moldova and the Russian Federation

(Adopted by the Committee of Ministers on 10 May 2006
at the 964th meeting of the Ministers' Deputies)

The Committee of Ministers,

Having regard to the judgment of the European Court of Human Rights of 8 July 2004 in the case of Ilaşcu and others against Moldova and the Russian Federation, in which the Court held that the two respondent states are to take all necessary measures to put an end to the arbitrary detention of the applicants still imprisoned and to secure their immediate release;

Stressing that, in this judgment, the Court stated that "any continuation of the unlawful and arbitrary detention of the [...] applicants would necessarily entail [...] a breach of the respondent states' obligation under Article 46 § 1 of the Convention to abide by the Court's judgment";

Reiterating that the obligation to abide by the judgments of the Court is unconditional and is a requirement for membership of the Council of Europe;

Deeply deploring the fact that two applicants, Mr Ivanţoc and Mr Petrov-Popa, are still imprisoned, and stressing that the excessive prolongation of their unlawful and arbitrary detention fails entirely to satisfy the requirements of the Court's judgment and the obligation under Article 46, paragraph 1, of the Convention;

Noting that the authorities of the Republic of Moldova have regularly informed the Committee of the steps they have taken to secure the applicants' release;

Regretting profoundly that the authorities of the Russian Federation have not actively pursued all effective avenues to comply with the Court's judgment, despite the Committee's successive demands[1] to this effect,

Encourages the authorities of the Republic of Moldova to continue their efforts towards putting an end to the arbitrary detention of the applicants still imprisoned and securing their immediate release;

Declares the Committee's resolve to ensure, with all means available to the Organisation, the compliance by the Russian Federation with its obligations under this judgment;

Calls upon the authorities of the member states to take such action as they deem appropriate to this end.

Note [1] Interim Resolutions ResDH(2005)42 of 22 April 2005, ResDH(2005)84 of 13 July 2005 and ResDH(2006)11 of 1 March 2006.

Annex II to the note verbale dated 25 January 2007 from the Permanent Mission of Moldova to the United Nations addressed to the Secretary-General

Explanatory memorandum

to the Interim Resolution ResDH(2006)26 concerning the judgment of the European Court of Human Rightsof 8 July 2004 (Grand Chamber) in the case of Ilaşcu and others against Moldova and the Russian Federation, adopted by the Committee of Ministers on 10 May 2006 at the 964th meeting of the Ministers' Deputies

The case concerns events occurring in the so called "Moldavian Republic of Transdniestria" ("the MRT"), a region of Moldova known as Transdniestria, which declared its independence in 1991 but is not recognised by the international community. It concerns the unlawful detention of the four applicants, following their arrest in 1992 and subsequent trial by the "Supreme Court of the MRT", and the ill treatment inflicted on them during their detention.

As regards the responsibility of Moldova, the Court found (paragraphs 330 to 335 of the judgment) that:

> "330. ...the Moldovan Government, the only legitimate government of the Republic of Moldova under international law, does not exercise authority over part of its territory, namely that part which is under the effective control of the 'MRT'. ...
>
> 331. However, even in the absence of effective control over the Transdniestrian region, Moldova still has a positive obligation under Article 1 of the Convention to take the diplomatic, economic, judicial or other measures that it is in its power to take and are in accordance with international law to secure to the applicants the rights guaranteed by the Convention. ...
>
> 335. Consequently, the Court concludes that the applicants are within the jurisdiction of the Republic of Moldova for the purposes of Article 1 of the Convention but that its responsibility for the acts complained of, committed in the territory of the 'MRT', over which it exercises no effective authority, is to be assessed in the light of its positive obligations under the Convention."

As regards the responsibility of the Russian Federation, the Court concluded (paragraph 382 of the judgment) that:

> "the authorities of the Russian Federation contributed both militarily and politically to the creation of a separatist regime in the region of Transdniestria, which is part of the territory of the Republic of Moldova[, and] that even after the ceasefire agreement of 21 July 1992 the Russian Federation continued to provide military, political and economic support to the separatist regime..., thus enabling it to survive by strengthening itself and by acquiring a certain amount of autonomy vis-à-vis Moldova."

It further noted (paragraphs 392 to 394 of the judgment) that both before and after 5 May 1998 (the date of the ratification of the Convention by the Russian Federation):

"392. ...the 'MRT'... remains under the effective authority, or at the very least under the decisive influence, of the Russian Federation, and in any event...it survives by virtue of the military, economic, financial and political support given to it by the Russian Federation.

393. That being so, the Court considers that there is a continuous and uninterrupted link of responsibility on the part of the Russian Federation for the applicants' fate, as the Russian Federation's policy of support for the regime and collaboration with it continued beyond 5 May 1998, and after that date the Russian Federation made no attempt to put an end to the applicants' situation brought about by its agents, and did not act to prevent the violations allegedly committed after 5 May 1998. ...

394. In conclusion, the applicants therefore come within the 'jurisdiction' of the Russian Federation for the purposes of Article 1 of the Convention and its responsibility is engaged with regard to the acts complained of."

The main point of the judgment is the applicants' deprivation of liberty. The Court found that none of the applicants had been convicted by a "court" within the meaning of Article 5. Furthermore, a sentence of imprisonment passed by a judicial body such as the "Supreme Court of the MRT" at the close of proceedings like those conducted in the present case could not be regarded as "lawful detention" ordered "in accordance with a procedure prescribed by law".

Furthermore, the Court held, unanimously, that "the respondent states [were] to take all necessary measures to put an end to the arbitrary detention of the applicants still imprisoned and secure their immediate release" (paragraph 22 of the operative part of the judgment). Moreover, it emphasised the urgency of this measure in the following terms (paragraph 490):

"any continuation of the unlawful and arbitrary detention of the...applicants would necessarily entail a serious prolongation of the violation of Article 5 found by the Court and a breach of the respondent states' obligation under Article 46§1 of the Convention to abide by the Court's judgment."

To date, only two of the four applicants have been released. Mr Ilaşcu was released in May 2001 (as noted by the Court) and Mr Leşco at the expiry of the sentence imposed on him by the "Supreme Court of the MRT", on 2 June 2004.

The other two applicants, Messrs Ivanţoc and Petrov-Popa, are still imprisoned.

United Nations A/61/723

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Sixty-first session
Agenda item 44
Culture of peace

Letter dated 29 January 2007 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the General Assembly

I have the honour of writing to you in reference to General Assembly resolution 61/255 entitled "Holocaust denial", which was adopted on 26 January 2007 under agenda item 44.

In this regard, I would like to inform you that the Government of Nicaragua is committed to contributing to the culture of peace. My Government recognizes that the Holocaust is a universally accepted historical fact and that the international community has the duty to assure future generations that the lessons of the Holocaust must never be forgotten so that its bitter experience can never be repeated.

I therefore wish to request, on behalf of my Government, that Nicaragua be considered a sponsor of resolution 61/255.

I respectfully request, therefore, that this letter be circulated as a document of the General Assembly under agenda item 44.

(*Signed*) Eduardo J. **Sevilla Somoza**
Permanent Representative of Nicaragua to the United Nations

07-22571 (E) 310107 010207